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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,830	11/09/2000	Robert j. Duncan	0270157	3595
34845	7590	12/07/2005	EXAMINER	
STEUBING MCGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,830

Applicant(s)

DUNCAN ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-44 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Roy [6,081,513].

2. As per claim 1, Roy discloses a method for performing a service on a network device, [Roy providing multimedia services, abstract] comprising the steps of:

installing the service on the network device from another location [Roy, call setup scenario between communicating entities, col 6 lines 38-65], the service having a corresponding set of service relationships [Roy, master-slave relationship, col 3 lines 45-57];

checking the service relationships of the loaded service against a stored registry of relationships [Roy, monitoring traffic, col 3 lines 14-30], wherein the service registry includes indications of services [Roy, service registration, col 6 lines 54-65] and indications of dependencies of services on other services [Roy, depending on, col 8 lines 1-15] and wherein the checking the service relationships of the loaded service includes determining whether all other services the loaded service depends on are available [Roy, fully met requirements, col 7 lines 1-24]; and

causing the service to be executed on the network device only if **all other** services the loaded service depends on **are determined to be** available [Roy determined the total (all) buffer

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requirement (the loaded services depends on) in network device k is equal (available) , col 15 lines 35-52; col 17 lines 3-24; col 18 lines 7-18].

3. Claims 18,35,43,44 contain the similar limitations set forth of claim 1. Therefore, claims 18,35,43,44 are rejected for the similar rationale set forth in claim 1.

4. As per claim 2, Roy discloses the step of updating the stored registry of relationships with information corresponding to the executed service [Roy, detect the change, col 6 lines 19-37].

5. As per claim 3, Roy discloses causing the service to be executed includes the step of providing instructions corresponding to the service to a virtual machine that is ported to the network device [Roy, call setup scenario between communicating entities, col 6 lines 38-65].

6. As per claim 4, Roy discloses of causing another service to be executed on the network device in accordance with a result of the step of checking the service relationships [Roy, monitoring traffic, col 3 lines 14-30].

7. As per claim 5, Roy discloses the network device is one of a router, a switch, and a hub [Roy, switches, hubs col 3 lines 14-30].

8. As per claim 6, Roy discloses the network device comprises a packet switching fabric [Roy, ATM, col 3 lines 14-30].

9. As per claim 7, Roy discloses the network device comprises a control plane and a forwarding plane including the packet switching fabric, the loading, checking and causing steps being performed in the control plane without interruption of the forwarding plane [Roy, forward, col 7 lines 25-54].

10. As per claim 8, Roy discloses the step of communicating with a remote client to receive an identifier corresponding to the service to be performed [Roy, WAN, col 3 lines 14-30].

11. As per claim 9, Roy discloses another location corresponds to an application server that stores a plurality of services [Roy, WAN, col 3 lines 14-30].

12. As per claims 10,11 Roy discloses another location corresponds to an application server that stores a plurality of services, and wherein the identifier comprises a URL pointing to the application server as inherent feature of Internet or TCP/IP [Roy col 4 lines 14-34].

13. As per claim 12, Roy discloses communicating with the application server using the HTTP protocol as inherent feature of Internet [Roy, TCP/IP col 4 lines 14-34].

14. As per claim 13, Roy discloses providing a telnet interface that allows the remote client to provide the identifier in association with a predefined command requesting the service to be performed [Roy, WAN, col 3 lines 14-30].

15. As per claim 14, Roy discloses interfacing with embedded hardware and software to perform tasks associated with the service [Roy, media conferencing application programs, col 3 lines 1-12].

16. As per claims 15,16 Roy discloses the service comprises accessing a MIB on the network device [Roy, the preferences are previously known, col 7 lines 1-24].

17. As per claim 17, Roy discloses the step of interfacing with embedded hardware and software to cause forwarding rules referred to by the packet switching fabric to be adjusted [Roy, negotiated, col 7 lines 1-24].

18. Claims 19-34,36-42 contain the similar limitations set forth of claims 2-14. Therefore, claims 19-34,36-42 are rejected for the similar rationale set forth in claims 2-14.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

